

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MUNDRE L. FLEMINGS,

Plaintiff,

vs.

UNIVERSITY MEDICAL CENTER,

Defendant.

Case No.: 2:16-cv-02042-GMN-NJK

ORDER

Pending before the Court is the *ex parte* Motion to Extend Time filed by *pro se* Plaintiff Mundre L. Flemings (“Plaintiff”).¹ (Mot. to Extend, ECF No. 17). Plaintiff requests additional time to file an opposition to Defendant University Medical Center’s Motion to Dismiss, (ECF No. 13). As justification for this extension, Plaintiff cites to a delay in receiving the Motion to Dismiss in the mail and the need for “additional time in which to adequately prepare the documentation.” (Mot. to Extend 2:6–11). For good cause appearing, the Court hereby grants Plaintiff an extension until July 5, 2017, to file an opposition to the pending Motion to Dismiss.

As an additional matter, the Court addresses the *ex parte* nature of Plaintiff’s Motion. This is the second time Plaintiff has improperly filed a motion for extension of time in an *ex parte* manner. (See ECF No. 9). As the Court stated previously, *ex parte* motions are disfavored and generally only proper in limited circumstances in which the movant has shown “compelling reasons” for the *ex parte* nature of the filing. *Medeiros v. Int’l Game Tech.*, 2016 WL 1611591, at *1 (D. Nev. Apr. 22, 2016). Here, the Court again discerns no reason why the motion should be filed and resolved on an *ex parte* basis. The Court therefore cautions Plaintiff

¹ In light of Plaintiff’s status as a *pro se* litigant, the Court has liberally construed his filings, holding them to standards less stringent than formal pleadings drafted by attorneys. See *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

1 that any future *ex parte* motions filed without proper justification may result in the denial of
2 that motion.

3 Based on the foregoing,

4 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Extend Time, (ECF No. 17), is
5 **GRANTED.**

6 **IT IS FURTHER ORDERED** that Plaintiff shall have until July 5, 2017, to file an
7 opposition to the pending Motion to Dismiss.

8 **IT IS FURTHER ORDERED** that Defendant shall have seven days after the filing of
9 Plaintiff's opposition to file a reply.

10 **DATED** this 29 day of June, 2017.

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14 Gloria M. Navarro, Chief Judge
15 United States District Judge
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